



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

June 23, 2017

Clarence Grier
Guilford Deputy County Manager
P. O. Box 3427
Greensboro, North Carolina 27402
Via Hand Delivery

Notice of Warning

Re: Violation of N. C. General Statute §19A-32.1(a).

AWS-WL-2017-9

Animal Shelter: Guilford County Animal Shelter
Registration No. 151

Dear Deputy County Manager Grier:

The Animal Welfare Section ("AWS") of the Veterinary Division of the NC Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning the Guilford County Animal Shelter ("the shelter") and the euthanasia of a stray animal prior to the end of the 72-hour holding period. Based on the information within this complaint, AWS opened an investigation.

The investigation included a site visit by AWS Animal Health Technician Christie Shore ("Inspector Shore"), interviews with shelter staff and management, review of relevant shelter records and a second site visit by Inspector Shore to verify compliance with revised euthanasia protocols.

The investigation revealed a dog was euthanized within 48 hours of intake instead of being held for 72 hours.

The investigation also revealed that:

- a) This female dog was owner-surrendered with a male dog on the same day. Both dogs were surrendered with a history of killing livestock. The owner had proof of ownership for the male dog, but not the female dog.
- b) A review of the euthanasia log sheet showed that Page 3 of the sheet for the day in question contained the entry for an owner-surrendered male dog scheduled for euthanasia on that day. The same page of the log sheet also had the entry for the female dog. This entry was split with the majority of the entry for the female dog at the bottom of Page 3. The remainder of the entry, which had the notation that the euthanasia was scheduled for 3/21 was at the top of page

4 and appears, at first glance, to be part of the heading for that page. The notation "Surrendered to ACO due to killing some sheep and goats . . . reference ACO7 for further information." appears on the entries on Page 3 for both dogs.

- c) The shelter was made aware of this error at the time of the first site visit for this complaint investigation. Immediately upon being made aware of this situation, the shelter modified its practices with a revised Scheduled Euthanasia Verification protocol.
- d) A second site visit verified that the shelter appears to be compliant with their new Scheduled Euthanasia Verification protocol.
- e) A review of randomly selected euthanasia records dated before and after the revised protocol did not reveal any other euthanasia of a stray animal prior to the 72 hour hold other than those exemptions allowed under N. C. General Statute §19A-32.1(b)(2).

Based on the results of this investigation, the shelter appears to have violated N. C. General Statute §19A-32.1(a) in the instance of the euthanasia of this dog.

The results of investigation support the conclusion that this was an inadvertent human error due in large part to the circumstances of this particular dog and the euthanasia log sheet for that day. AWS notes the shelter, as soon as it became aware of the error, implemented a protocol that appears to minimize the chances of a similar error in the future.

This Warning Letter serves as written notice indicating in which respects the shelter has violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in disciplinary action against your facility's license pursuant to NC General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NC General Statute §19A-40.

Your immediate response to this matter is noted and appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

- (1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.
- (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.
- (3) The animal is being held as evidence in a pending criminal case.

(2013-377, s. 2.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)